

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RYAN CRENSHAW,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO: 1:20-cv-2150
)	
ANTHEM,)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

I. Nature of the Case

1. This is an action brought by Plaintiff, Ryan Crenshaw ("Crenshaw"), by counsel, against Defendant, Anthem ("Defendant"), pursuant to the American with Disabilities Act ("ADA"), as amended, 42 U.S.C. § 12101 et seq.

II. PARTIES

2. Crenshaw is a citizen of the United States and, at all times relevant to this litigation, resided in Morgantown, State of Indiana, which is within the geographical boundaries of the Southern District of Indiana.

3. Defendant conducted operations in Indianapolis, Indiana within the Southern District of Indiana.

III. JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to 28 U.S.C. § 1331; 29 U.S.C. §2617(a)(2) and 42 U.S.C. § 12117.

5. Defendant is an “employer” as that term is defined by 42 U.S.C. § 12111(5)(A) and 29 U.S.C. §2611(4).

6. At all times relevant to this action, Crenshaw was an “employee” as that term is defined by 42 U.S.C. § 12111(4) and, at all times relevant, was an “eligible employee” as that term is defined by 29 U.S.C. §2611(2).

7. Crenshaw is a “qualified individual with a disability” as defined by the Americans with Disabilities Act, 42 U.S.C. §§ 12102(2) and 12111(8) and/or Defendant knew of Crenshaw’s disability and/or regarded Crenshaw as being disabled and/or Crenshaw has a record of being disabled.

8. Crenshaw exhausted his administrative remedies by timely filing a charge of discrimination against Defendant with the Equal Employment Opportunity Commission, claiming discrimination based on disability, and filing this complaint within ninety days of receipt of his Notice of Right to Sue.

9. A substantial portion of the events, transactions, and occurrences concerning this case have arisen in the geographical environs of the Southern District of Indiana, thus venue is proper in this Court.

IV. FACTUAL ALLEGATIONS

10. Crenshaw worked for Anthem from 2013 to 2016. He rejoined Anthem at the end of January 2019 as a Financial Planning Analysis Director with Anthem’s Diversified Business Group.

11. At all times relevant, Crenshaw met or exceeded Defendant's legitimate performance expectations and could perform the essential functions of his position with reasonable accommodations.

12. In or about June 2019, Crenshaw began reporting to Toye Folarin.

13. Crenshaw suffers from severe depression, which he has disclosed to the appropriate leaders at Anthem.

14. Crenshaw has requested accommodations to allow him to conduct the essential functions of his position. Specifically, Crenshaw requested flextime, the ability to work from home once or twice per week and the ability to dial in for conference calls. Each of Crenshaw's accommodation requests were denied without Anthem ever engaging in the interactive process required by the ADA.

15. Meanwhile, Crenshaw's non-disabled co-workers were provided the very same accommodations that Crenshaw had requested to manage his disability.

16. Worse, Crenshaw was routinely berated by his previous manager, Ryan Schoettle, and Folarin. Schoettle would tell Crenshaw to "take it like a man" when he was going to get yelled at and "don't get your panties in a bundle." Folarin also yelled at Crenshaw in front of his superiors and co-workers and singled him out in meetings. Folarin commented to Crenshaw that due to his disability, he was building a negative perception from the group.

17. Defendant's treatment of Crenshaw exacerbated his condition and, along with the denials of his accommodation requests, led to Crenshaw utilizing a

continuous medical leave to seek treatment for his depression beginning on September 27, 2019.

18. Due to Defendant's refusal to accommodate Crenshaw's disability, Crenshaw was not able to return to work at the conclusion of his leave of absence.

V. LEGAL ALLEGATIONS

DISABILITY DISCRIMINATION

19. Crenshaw hereby incorporates paragraphs one (1) through eighteen (18) of his Complaint.

20. Defendant discriminated against Crenshaw by failing to accommodate his disability as required by the ADA.

21. Defendant discriminated against Crenshaw by subjecting him to less favorable terms and conditions of employment than his non-disabled coworkers.

22. Defendant's actions were intentional, willful and in reckless disregard of Crenshaw's rights as protected by the ADA.

23. Crenshaw has suffered and continues to suffer harm as a result of Defendant's unlawful actions.

REQUESTED RELIEF

WHEREFORE, Plaintiff, Ryan Crenshaw, by counsel, respectfully requests that this Court enter judgment in his favor and award him the following relief:

1. Permanently enjoin Defendant from engaging in any employment policy or practice that discriminates against any employee on the basis of their disability;
2. Reinstate Plaintiff to the position, salary, and seniority level he would have enjoyed but for Defendant's unlawful employment actions, or award him front pay in lieu thereof;
3. Pay to Plaintiff all of his lost wages, benefits, compensation, and other monetary loss suffered as a result of Defendant's unlawful actions;
4. Pay to Plaintiff compensatory damages;
Pay to Plaintiff punitive damages;
5. Pay to Plaintiff pre- and post-judgment interest;
6. Pay Plaintiff's costs and attorney fees incurred in litigating this action; and,
7. Provide any further equitable relief this Court sees fit to grant.

Respectfully submitted,

By: /s/ Andrew Dutkanych
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Attorney for Plaintiff, Ryan Crenshaw

DEMAND FOR JURY TRIAL

Plaintiff, Ryan Crenshaw, by counsel, respectfully requests a jury trial for all issues deemed triable by jury.

Respectfully submitted,

By: /s/ Andrew Dutkanych _____
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Attorney for Plaintiff, Ryan Crenshaw